

**FORTY-NINTH DAY**

(Thursday, April 4, 1957)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Ratliff                      Roberts

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was approved.

**Leaves of Absence**

Senator Ratliff was granted leave of absence for today on account of illness on motion of Senator Parkhouse.

Senator Roberts was granted leave of absence for today on account of important business on motion of Senator Owen.

**Reports of Standing Committees**

Senator Weinert submitted the following report:

Austin, Texas,  
April 3, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. C. R. No. 13, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Senator Willis submitted the following reports:

Austin, Texas,  
April 4, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 85, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILLIS, Chairman.

Austin, Texas,  
April 4, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 174, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILLIS, Chairman.

Austin, Texas,  
April 4, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 175, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILLIS, Chairman.

Austin, Texas,  
April 4, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 221, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended, and be printed.

WILLIS, Chairman.

Senator Secrest submitted the following report:

Austin, Texas,  
April 4, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Bank-

ing, to whom was referred S. B. No. 369, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SECREST, Chairman.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
April 4, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 40, Granting the Hale Center Cooperative Gin Permission to sue the State.

H. C. R. No. 66, Granting permission to L. S. Howard, of Nolan County, Texas, to bring suit against the State of Texas and/or the Texas Highway Commission.

H. C. R. No. 69, Granting Joyce Reynolds Aherns permission to sue the State of Texas and its Prison Board.

S. B. No. 32, A bill to be entitled "An Act regulating the handling and sale of chicken eggs within this State; placing administration of the Act in the Commissioner of Agriculture; providing for the establishment of standards of size and quality of eggs and for the grading and labeling of eggs; providing for the licensing of egg retailers; dealers, wholesalers, processors and brokers and for payment of license fees; prescribing offenses and penalties; providing for financing the program; making other provisions relating to the administration and enforcement of the Act; providing for severability; and declaring an emergency."

(With amendment.)

S. B. No. 110, A bill to be entitled "An Act amending Acts 1929, Forty-First Legislature, Second Called Session, Page 172, Chapter 88, Section 2, as amended (Article 6675a-2, Vernon's Civil Statutes, as amended) so as to exempt machinery used solely for the purpose of constructing, reconstructing and repairing public roads and highways from the provisions of said Act; providing a sev-

erability clause; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

(With amendment.)

S. B. No. 280, A bill to be entitled "An Act creating the 'Tri-County Municipal,' a conservation District under Article XVI, Section 59, of the Constitution, comprising the territory contained within the cities of Cleburne, Hillsboro, Whitney, Itasca, Valley Mills, Rio Vista, Clifton, Blum and Meridian, for the purpose of providing a source of water supply for municipal, domestic and industrial use and processing and transporting the same; providing for the annexation of additional territory thereto; providing for a Board of Directors for the government of said District; prescribing other powers of the District; enacting other provisions relating to the subject; and declaring an emergency."

(With amendments.)

S. B. No. 372, A bill to be entitled "An Act to provide for the creation of Rural Fire Prevention Districts, prescribing the method of their creation including the requiring for a petition, hearing, and election thereon, providing for the governing body of the districts to be created as political subdivisions of the State, and setting forth the duties of such body; prescribing the functions of the districts and conferring certain powers; prohibiting the levy of any taxes except with the prior approval of those qualified to vote in such elections; providing for tax rolls and assessor-collector of taxes; validating certain acts and the creation of districts heretofore sought to be organized and validating specific acts done by the Commissioners' Court in certain counties; providing a severance clause and declaring an emergency."

The House refused to concur in Senate amendments to House Bill No. 133 and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Resolution 316

Senator Moore offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, Senior Class of the Blackshear High School of Groesbeck, Texas, Limestone County, accompanied by their teachers, Mr. Elwood Enge and Mrs. Thelma Warner; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Moore by unanimous consent presented the students, teacher and sponsor to the Members of the Senate.

#### Senate Resolution 317

Senator Herring offered the following resolution:

Whereas, We are honored to have as a visitor in the Capitol, Mr. Manton M. Cummins, assistant industrial relations manager of Ford Motor Company from Dearborn, Michigan, and former special agent for the Federal Bureau of Investigation; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

#### Senate Resolution 318

Senator Bracewell offered the following resolution:

Whereas, The Ninth Annual Southern States Apprenticeship Conference will be held in Houston, Texas, on July 18, 19, and 20, 1957; and

Whereas, The purpose of this Con-

ference is to promote the training of skilled craftsmen in the South; and

Whereas, Skilled craftsmen are essential to industry in America, and without them the vision of the scientist and the blueprint of the engineer could not be transformed into reality; and

Whereas, Apprenticeship training is one of the most effective methods in the development of skilled craftsmen; and

Whereas, The Senate desires to recognize this Conference and send its best wishes; now, therefore, be it

Resolved, By the Senate of the State of Texas, that the Senate urges all Texas citizens to welcome the Southern States Apprenticeship Conference to our State, recognizing that the progress of Texas Industry depends largely upon its skilled manpower.

The resolution was read and was adopted.

#### Bill Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bill:

H. B. No. 444, A bill to be entitled "An Act authorizing school districts whose territory, or a part thereof, is situated in counties having a population of more than 100,000, according to the then last Federal Census, when authorized by an election held for that purpose, to levy, assess and collect, in addition to annual ad valorem taxes for current maintenance of public free schools, as provided by law, etc., and declaring an emergency."

#### Senate Resolution 319

Senator Hardeman offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Hon. Walter Woodul, former Lt. Gov. of Texas; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate and the privileges

of the floor and be invited to address the Senate.

**HARDEMAN  
HERRING**

The resolution was read and was adopted.

The President announced the appointment of Senators Hardeman, Herring, Weinert and Bracewell to escort the distinguished guest to the President's Rostrum.

The President presented Senator Bracewell and he introduced Mr. Woodul.

Mr. Woodul addressed the Senate briefly expressing appreciation for the pleasure of again being in the Senate.

**Presentation of Guests**

Senator Willis by unanimous consent presented Mr. W. D. Waltman, Jr., of Universal Mills and Mr. Beverly Thompson, Vice-President of Texas Steel Company of Fort Worth to the Members of the Senate.

**House Concurrent Resolution 72  
on Second Reading**

On motion of Senator Moffett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 72, Granting each House permission to adjourn for the Easter Holidays.

The resolution was read and was adopted.

**House Concurrent Resolution 55**

On motion of Senator Moffett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 55, Pertaining to the air-conditioning of the House of Representatives.

The resolution was read and was adopted.

**Senate Bill 435 Referred**

The President announced that Senate Bill No. 435, which was introduced and read first time on April 7, 1957, would be referred to the Committee on Finance.

**Senate Resolution 320**

Senator Hardeman offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Hon. and Mrs. Mark Callaway of Brownwood, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

**HARDEMAN  
ASHLEY**

The resolution was read and was adopted.

Senator Hardeman by unanimous consent presented Mr. and Mrs. Callaway to the Members of the Senate.

**Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
April 4, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 94, A bill to be entitled "An Act amending Article 13.34 V.A.T.S. Election Code, Revised Civil Statutes of Texas, 1925, by adding a provision that representatives of newspapers, wire news services, radio and television stations, shall have the right to attend the precinct conventions, the county conventions and the State convention for the purpose of reporting the proceedings thereof; and declaring an emergency."

Respectfully submitted,  
**DOROTHY HALLMAN,**  
Chief Clerk, House of Representatives

(Senator Fly in the Chair.)

**House Concurrent Resolutions  
on First Reading**

The following resolutions received from the House were read the first time and referred to the committees indicated:

H. C. R. No. 66, To the Committee on Jurisprudence.

H. C. R. No. 40, To the Committee on Jurisprudence.

H. C. R. No. 69, To the Committee on Jurisprudence.

**House Concurrent Resolution 53  
on Second Reading**

On motion of Senator Krueger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 53, Proclaiming the week of March 10-16 as Rice Week.

The resolution was read and was adopted.

**Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
April 4, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House appointed the following Conference Committee on H. B. No. 133: Smith of Hays, Dewey, Glusing, Osborn and Ellis.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

**Senate Bill 280 with House  
Amendments**

Senator Martin called S. B. No. 280 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Martin moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

**Yeas—28**

Aikin	Herring
Ashley	Hudson
Bracewell	Kazen
Bradshaw	Krueger
Colson	Lane
Fly	Lock
Fuller	Martin
Hardeman	Moffett
Hazlewood	Moore

Owen	Secrest
Parkhouse	Smith
Phillips	Weinert
Reagan	Willis
Rogers	Wood

**Absent**

Gonzalez

**Absent—Excused**

Ratliff

Roberts

**Senate Concurrent Resolution 57 on  
First Reading**

Senator Secrest moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

**Yeas—28**

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Hardeman	Reagan
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

**Absent**

Gonzalez

**Absent—Excused**

Ratliff

Roberts

The following resolution was then introduced, read first time and referred to the Committee indicated:

By Senator Secrest:

S. C. R. No. 57, Granting M. G. Selman and Jim H. Gordon permission to sue the State of Texas.

Whereas, M. G. Selman and Jim H. Gordon, each allege that they are residents of McLennan County, Texas, and that they each, severally, and not jointly, own and operate a cafe in McLennan County, Texas, located on Highway 31, several miles East of Waco, same being the Waco-Corsicana Highway; and

Whereas, The said M. G. Selman and Jim H. Gordon, severally, and each for himself, alleges that the State Highway Commission has caused this highway to be blocked and has diverted traffic which would otherwise pass by his place of business on to other roads to the East and to the West thereof; and

Whereas, It is alleged by the said M. G. Selman and Jim H. Gordon, severally, and each for himself, that such blockade and diversion has been in existence for several weeks, already, and that such blockade and diversion are reasonably expected to continue during further preliminary work and repairs and changes of said highway, to the substantial damage of each of them; now, therefore be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the said M. G. Selman and Jim H. Gordon, each, severally, be and he is hereby given permission to sue the State of Texas in any court of competent jurisdiction in McLennan County, Texas, to determine whether or not the State of Texas is liable for any damages for the acts hereinabove alleged, with respect both to the period of time prior to and subsequent to this resolution; and be it further

Resolved, That service of citation and any other legal process shall be served upon both the Chairman of the State Highway Commission and upon the Attorney General of the State of Texas. Service of process upon these two officers shall have the same force and effect as the service of process upon a defendant in any other civil case, according to the Rules of Civil Procedure as promulgated and adopted by the Supreme Court of Texas; and be it further

Resolved, That the party to the suit shall have the right to appeal as is provided for in other civil cases; and, be it further

Resolved, That the sole purpose of this resolution is to grant permission to the said M. G. Selman and Jim H. Gordon, to bring suit against the State of Texas. No admission of liability or of any fact is made in any way by the passage of this resolution; but on the contrary, it is specifically provided that the facts upon which the said M. G. Selman and Jim H. Gordon seek to recover must be proved in court as in other civil cases; and be it further

Resolved, That any and all defenses which the State of Texas may have shall be pleaded by the State, and none of the defenses which the State of Texas may have are in any way waived by the passage of this resolution.

To the Committee on Jurisprudence.

#### Senate Joint Resolution 4 with House Amendments

Senator Ashley called S. J. R. No. 4 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Ashley moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

#### Special Notice

Senator Willis gave notice that he would move to suspend the necessary rules to take up S. B. No. 50 on Monday, April 8, 1957.

#### Adjournment

On motion of Senator Hardeman the Senate at 12:06 o'clock p.m. adjourned until 10:30 o'clock a.m. on Monday, April 8, 1957.

#### Record of Vote

Senator Phillips asked to be recorded as voting "nay" on the motion to adjourn.

#### FIFTIETH DAY

(Monday, April 8, 1957)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Fuller
Ashley	Gonzalez
Bracewell	Hardeman
Bradshaw	Hazlewood
Colson	Herring
Fly	Hudson